

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2426**

57th Legislature  
2002 Regular Session

Passed by the House February 12, 2002  
Yeas 96 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate March 5, 2002  
Yeas 48 Nays 0

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**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2426** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**



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**SUBSTITUTE HOUSE BILL 2426**

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Passed Legislature - 2002 Regular Session

**State of Washington                      57th Legislature                      2002 Regular Session**

**By** House Committee on Natural Resources (originally sponsored by Representatives Jackley, Sump, Rockefeller, Doumit, Pearson, Morell and Chase)

Read first time 01/25/2002. Referred to Committee on .

1            AN ACT Relating to acting for commercial purposes under the fish  
2 and wildlife code; amending RCW 77.15.110; creating a new section;  
3 and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** The legislature intends to clarify that  
6 when a crime under chapter 77.15 RCW requires proof that a person  
7 acted for commercial purposes, that element refers to engaging in  
8 particular conduct that is commercial in nature and the element does  
9 not imply that a particular state of mind must exist. This act  
10 revises the existing definition of that element to confirm that the  
11 element is fulfilled by engaging in commercial conduct and to  
12 eliminate any implication that a particular mental state of mind must  
13 be shown. Examples are given of the type of conduct that may be  
14 considered as evidence that a person acts for a commercial purpose;  
15 however, these examples do not create a conclusive presumption that  
16 a person acts for a commercial purpose.

1       **Sec. 2.** RCW 77.15.110 and 2001 c 253 s 27 are each amended to  
2 read as follows:

3       (1) For purposes of this chapter, a person acts for commercial  
4 purposes if the person engages in conduct that relates to commerce in  
5 fish, seaweed, shellfish, or wildlife or any parts thereof.  
6 Commercial conduct may include taking, delivering, selling, buying,  
7 or trading fish, seaweed, shellfish, or wildlife where there is  
8 present or future exchange of money, goods, or any valuable  
9 consideration. Evidence that a person acts for commercial purposes  
10 includes, but is not limited to, the following conduct:

11       (a) ~~((Acts with intent to sell, attempted to sell, sold,~~  
12 ~~bartered, attempted to purchase, or purchased fish, seaweed,~~  
13 ~~shellfish, or wildlife;~~

14       ~~(b) Uses))~~ Using gear typical of that used in commercial  
15 fisheries;

16       ~~((c) Exceeds))~~ (b) Exceeding the bag or possession limits for  
17 personal use by taking or possessing more than three times the amount  
18 of fish, seaweed, shellfish, or wildlife allowed;

19       ~~((d) Delivers or attempts))~~ (c) Delivering or attempting to  
20 deliver fish, seaweed, shellfish, or wildlife to a person who sells  
21 or resells fish, seaweed, shellfish, or wildlife including any  
22 licensed or unlicensed wholesaler;

23       ~~((e) Takes))~~ (d) Taking fish or shellfish using a vessel  
24 designated on a commercial fishery license ~~((and))~~ or using gear not  
25 authorized in a personal use fishery;

26       ~~((f) Sells or deals))~~ (e) Using a commercial fishery license;

27       (f) Selling or dealing in raw furs; or

28       (g) ~~((Performs))~~ Performing taxidermy service on fish, shellfish,  
29 or wildlife belonging to another person for a fee or receipt of goods  
30 or services.

31       (2) For purposes of this chapter, the value of any fish, seaweed,  
32 shellfish, or wildlife may be proved based on evidence of legal or  
33 illegal sales involving the person charged or any other person, of  
34 offers to sell or solicitation of offers to sell by the person  
35 charged or by any other person, or of any market price for the fish,

1 seaweed, shellfish, or wildlife including market price for farm-  
2 raised game animals. The value assigned to specific fish, seaweed,  
3 shellfish, or wildlife by RCW 77.15.420 may be presumed to be the  
4 value of such fish, seaweed, shellfish, or wildlife. It is not  
5 relevant to proof of value that the person charged misrepresented  
6 that the fish, seaweed, shellfish, or wildlife was taken in  
7 compliance with law if the fish, seaweed, shellfish, or wildlife was  
8 unlawfully taken and had no lawful market value.

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